



Chairman and Members of the
Development Management
Committee.

Your contact: Peter Mannings
Extn: 2174
Date: 19 April 2017

cc. All other recipients of the
Development Management
Committee agenda.

Dear Councillor,

DEVELOPMENT MANAGEMENT COMMITTEE – 26 APRIL 2017

Please find attached the following reports which were marked “to follow” on the agenda for the above meeting:

4. Minutes – 5 April 2017 (Pages 3 – 12)

To confirm the Minutes of the meeting of the Committee held on Wednesday 5 April 2017.

5. Planning Applications and Unauthorised Development for Consideration by the Committee:

- (A) 3/17/0021/OUT – Outline application for the development of up to 13 dwellings including associated access at Land at Gosmore Paddock, Benington, Herts, SG2 7DD for Mr P and Mrs J Newton
(Pages 13 – 28)

Recommended for Refusal.

- (B) 3/16/2114/HH - Subterranean extension to form basement swimming pool and parking area at Rowneybury, Harlow Road, Sawbridgeworth, CM21 0AJ for Mr Johnson_(Pages 29 – 50)

Recommended for Refusal.

(C) a) 3/17/0002/FUL and 3/17/0003/LBC – Alterations to and change of use of 1) modern agricultural building to B1:light industrial 2) western range of agricultural buildings and granary to B1:office and 3) eastern range of agricultural buildings to dual use office/residential. Demolition of existing sheds and covered yard. Partial infilling and regrading of former slurry pit to provide balancing pond and associated landscaping at Widfordbury Farm, Ware Road, Widford, SG12 8RL for Mr Nicholas Buxton_(Pages 51 – 74)

- a) Recommended for Approval.
- b) Recommended for Approval.

Please bring these papers with you to the meeting next Wednesday.

Yours faithfully

Peter Mannings
Democratic Services Officer
East Herts Council
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MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 26 APRIL 2017
TIME : 7.00 PM

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 5 APRIL 2017, AT 7.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, R Brunton,
M Casey, S Cousins, B Deering, M Freeman,
J Goodeve, J Jones, J Kaye and K Warnell.

ALSO PRESENT:

Councillors P Boylan, G Cutting and
P Ruffles.

OFFICERS IN ATTENDANCE:

Victoria Clothier	- Legal Services Manager
Peter Mannings	- Democratic Services Officer
Martin Plummer	- Senior Planning Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

673 APOLOGY

An apology for absence was submitted on behalf of
Councillor R Standley. It was noted that Councillor J
Kaye was substituting for Councillor R Standley.

674 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor S Cousins as this
was his first meeting of the Committee.

Members were reminded that the Planning Policy Team had published a series of topic papers that explained the process for the publication of the emerging District Plan. These papers provided a succinct introduction to planning with many valuable reference points to assist Members when determining applications.

Finally, the Chairman advised that a coach trip was being arranged for either Thursday 13 or Friday 14 July 2017 and this was being hosted by Nick Wright, Deputy Leader of South Cambs District Council. The tour would include Members of the Hertfordshire Infrastructure Planning Partnership.

675 DECLARATIONS OF INTEREST

Councillor K Warnell declared that he would remain in the room whilst application 3/14/0395/FP was considered but would take no part in the debate or vote. He explained that the Animal Rescue Charity was one of his charities as the Mayor of Bishop's Stortford and he had been involved in a number of fundraising events in his capacity as the Mayor.

676 MINUTES – 8 MARCH 2017

RESOLVED – that the Minutes of the meeting held on 8 March 2017 be confirmed as a correct record and signed by the Chairman.

677 3/16/2311/OUT – OUTLINE PLANNING FOR THE ERECTION OF 15 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS AT LAND AT STORTFORD ROAD/TOWN FARM CRESCENT, STANDON, SG11 1NA FOR MR DAN LIVINGS

Mr Griffiths addressed the Committee in objection to the application. Mr Livings spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/2311/OUT, subject to a

Section 106 legal agreement, outline planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the outline application where all matters were reserved apart from the access. He confirmed that the Council remained in the position where it was unable to demonstrate the availability of sufficient land for house building, therefore, in accordance with the NPPF, it was appropriate to support proposals for sustainable developments unless significant harmful impacts could be identified as a result.

Councillor D Andrews welcomed the additional car parking and referred to his concerns regarding the highways impact. He emphasised the importance of the development being well landscaped and expressed concerns that the existing footway was barely adequate. He also expressed concerns regarding the safety of pedestrians and referred to the loss of the open aspect for the residents of Town Farm Crescent.

Councillor J Kaye commented on the issue of biodiversity and referred to the comments of Thames Water as detailed in paragraph 6.6 of the report submitted.

Councillor M Casey referred to the 8 parking spaces for residents and how these would be controlled as they would be available for the residents of more than 8 existing properties. Councillor J Jones queried why a financial contribution of £2,742 was being sought towards the improvements to the Children's area at Bishop's Stortford instead of improvements to Buntingford Library. Councillor K Warnell referred to amenity and sustainability and stated that he was unclear regarding these aspects of the proposed development.

The Head explained that there were a number of dimensions to the issue of sustainability. He referred to the National Planning Policy Framework (NPPF) terminology for sustainability and explained that East Herts was not an unsustainable area and the villages

were classified as sustainable locations in policy terms.

The Head stated that the bulk of development would always be concentrated in towns with other development permitted to be focussed in the villages. Members were reminded that a resident travelling out of a village by car to access education and other services was acceptable in sustainability terms.

Members were reminded that this was an outline scheme and the site and the unit sizes could be reconfigured in the reserved matters application. The Committee need not concern itself unduly therefore, with the relationship with the proposed development and the properties in Town Farm Crescent.

The Head concluded that drainage engineers were satisfied that there was an acceptable Sustainable Urban Drainage Solution (SUDS) and landscaping and biodiversity matters would be resolved via the detailed reserved matters proposal. Officers were aware that there was a way forward to achieve clear landscape boundaries and a condition could be applied in respect of the allocation of car parking. Officers could also have a further dialogue with Hertfordshire County Council (HCC) in respect of youth and library services.

The Head responded to a query from Councillor J Goodeve regarding the parking of commercial vehicles. The Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/2311/OUT, subject to a Section 106 legal agreement, outline planning permission be granted subject to the conditions detailed in the report submitted.

678 3/16/2817/FUL – DEMOLITION OF THREE CLASSROOM BLOCKS AND THE CREATION OF NEW BLOCK TO HOUSE 17 CLASSROOMS WITH 6 TEMPORARY CLASSROOMS AT THE LEVENTHORPE SCHOOL, CAMBRIDGE ROAD, SAWBRIDGEWORTH, HERTFORDSHIRE, CM21 9BX FOR THE LEVENTHORPE SCHOOL

The Head of Planning and Building Control recommended that in respect of application 3/16/2817/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and advised that whilst there would be no immediate increase in pupil numbers, the increase in floor space would assist the Leventhorpe School's future plans to increase to 8 forms of entry (8FE).

Members were advised that the application constituted inappropriate development in the metropolitan green belt and should only be approved if very special circumstances could be demonstrated to outweigh the harm. The parking remained in accordance with adopted and emerging standards and the drainage issue could be secured by conditions.

The Head concluded that Officers felt that the positive impacts clearly outweighed the harm to the green belt and the application had subsequently been recommended for approval subject to conditions. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/2817/FUL, planning permission be granted subject to the conditions detailed in the report.

- 679 3/14/0395/FP – CHANGE OF USE OF LAND TO EAST OF FARNHAM ROAD FROM DISUSED QUARRY/LIME WORKS TO ANIMAL RESCUE CENTRE AND ASSOCIATED LANDSCAPING. REDEVELOPMENT OF OLD LIME WORKS BUILDING TO CARETAKER ACCOMMODATION. ERECTION OF NEW KENNEL AND CATTERY BUILDING AND ASSOCIATED OUTBUILDINGS, PARKING AREAS AND ACCESS ROADS. ERECTION OF FIELD SHELTER AND OUTDOOR CATTERY AREA AT THE OLD LIME WORKS, FARNHAM ROAD FOR THE ANIMAL RESCUE CHARITY
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Councillor G Cutting addressed the Committee in support of the application as an adjacent ward Member to the ward where this site was located. He detailed his reasons for supporting the application and urged Members to approve planning permission.

The Head of Planning and Building Control recommended that in respect of application 3/14/0395/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head confirmed to Councillor J Jones that policy GIP1c related to green lungs and this policy stipulated that no development was to take place in these areas. Officers were of the view that the application would have a very modest impact that could not be classed as significant.

The Head responded to a comment from Councillor J Goodeve by advising that the distance between the proposed new housing and the proposed animal rescue centre was in the region of 100 to 150 metres. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/14/0395/FP, planning permission be granted subject to the conditions detailed in the report.

680 3/16/1348/FUL – DEVELOPMENT OF FOUR SPECIALIST BUNGALOWS WITH A SINGLE STOREY OFFICE LINK AND NEW CAR PARKING AT ST ELIZABETHS SCHOOL AND HOME, SOUTH END, PERRY GREEN, MUCH HADHAM, HERTFORDSHIRE, SG10 6EW FOR MR JAMES CONNOLLY, ST ELIZABETH'S CENTRE

The Head of Planning and Building Control recommended that in respect of application 3/16/1348/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and stated that the number of residents was not proposed to increase. Members were advised that the limited harm would be mitigated by controls secured through conditions. Officers considered that the positive impact of the proposals outweighed the potential for harm to the rural area. Members were referred to the late representation summary and comments from the Council's engineering advisor.

Councillor R Brunton referred to the fantastic work carried out by the St Elizabeth's School and Home. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/1348/FUL, planning permission be granted subject to the conditions detailed in the report.

681 ITEMS FOR REPORTING AND NOTING

At the invitation of the Chairman, the Head of Planning and Building Control highlighted a number of recent appeal decisions and referred in detail to a number of points of interest.

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

682 ESBIES ENFORCEMENT UPDATE, SAWBRIDGEWORTH

The Legal Services Manager submitted a report updating Members on the current situation regarding enforcement matters at the Esbies Site and to seek authorisation for the Head of Planning and Building Control to consider the additional matters which Counsel had raised following the Members' resolution to seek an injunction in December 2016.

The Head of Planning and Building Control emphasised the importance of Officers having regard to the circumstances of any occupants, any material changes in circumstances, human rights issues, issues relating to the best interests of children and matters under the Equality Act when continuing the process of obtaining an injunction. Officers must also consider any changes in circumstances on the Esbies Estate.

Members were advised that such changes could include changes in the needs of occupants and residents. Having regard to all of the above would help Officers avoid any delays in injunction proceedings. The Legal Services Manager confirmed to Councillor B Deering that this report was not inviting Members to revisit their decision in December 2016 to seek the injunction as other options had been considered at that point.

Members were advised that the Counsel advice given to Officers in December 2016 had not changed and seeking

an injunction therefore remained an appropriate course of action. The Legal Services Manger confirmed that this was the latest situation in an ongoing historical issue and multiple attempts had been made to engage with residents since 2011/12.

The Legal Services Manger confirmed that Officers had yet to receive a statement of account from the Counsel who had been advising Officers on injunction proceedings. Members received the report and approved the recommendation now detailed.

RESOLVED – that the Head of Planning and Building Control be authorised to determine whether to proceed with seeking an injunction in relation to the Esbies Estate after having regard to the circumstances of any occupants, any material changes in circumstances, human rights issues, issues relating to the best interests of children and matters under the Equality Act.

The meeting closed at 8.22 pm

Chairman

Date

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DEVELOPMENT MANAGEMENT COMMITTEE – 26 APRIL 2017

Application Number	3/17/0021/OUT
Proposal	Outline application for the development of up to 13 dwellings including associated access
Location	Land at Gosmore Paddock, Benington, Herts, SG2 7DD
Applicant	Mr P and Mrs J Newton
Parish	Benington CP
Ward	Walkern

Date of Registration of Application	13 th January 2017
Target Determination Date	31 May 2017
Reason for Committee Report	Major application
Case officer	David Snell

RECOMMENDATION

That planning permission be **REFUSED**, for the reasons set out at the end of this report.

1.0 Summary

- 1.1 The proposal represents an inappropriate form of development in the Rural Area beyond the Green Belt. Despite the emerging District Plan, the Council is not currently able to demonstrate a five year supply of housing and, in such situations, national planning policy requires that planning permission be granted for sustainable development unless there are any significant adverse impacts that would outweigh the benefits of the proposal.
- 1.2 The main consideration for Members, in relation to this development then, is whether it is considered to represent a form of sustainable development.
- 1.3 The contribution to housing supply of 13 dwellings is a clear benefit of the proposal and is assigned positive weight in the overall planning balance. However, other material considerations weigh against the proposal; in particular its limited access to sustainable transport, employment, shopping and other services. Additional harm is identified in terms of the impact of the proposal on the character and appearance of the surrounding area and the lack of clarity in relation to the mitigation of its impact on local infrastructure and affordable housing provision. The negative weight that can be assigned to these aspects of the proposal is considered to significantly and demonstrably outweigh the benefits, and refusal of permission is therefore recommended.

2.0 Site Description

- 2.1 The application site lies within the predominantly residential enclave of Hebing End which is approximately 1.0 mile to the south east of the village of Benington. It comprises a 0.9ha area of open land fronting the highway of Hebing End itself and which is currently used for horse grazing.
- 2.2 The site is bounded by residential development on three sides. To the west by the rear of the properties fronting Whempstead Lane, and to the south and east by lower density residential development in Hebing End. Gosmore Farmhouse and Gosmore Barn to the east of the site are Grade II Listed Buildings.
- 2.3 To the north, the site is bounded by poultry sheds and agricultural buildings.
- 2.4 The site lies in the Rural Area beyond the Green Belt.

3.0 Background to Proposals

- 3.1 The application proposes the erection of up to 13 dwellings on the site, with access off Hebing End. The proposals were the subject of pre-application advice in August last year when Officers advised that the residential development of the site was unlikely to be considered sustainable given its distance from the main part of Benington to the north, and its poor accessibility to facilities and amenities other than by means of private car.
- 3.2 The current application was submitted in January 2017 and is in outline with details of appearance, landscaping, layout and scale reserved for subsequent consideration. Only access is therefore to be considered at this stage.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy	Emerging District Plan policy
The principle of the development, including sustainability and housing land supply	Paragraphs 7-16	GBC3	GBR2
Layout and design	Section 7	ENV1 ENV2	DES2 DES3
Infill housing		HSG7	GBR2
Villages		OSV2	VILL2
Highway implications	Section 4	TR2, TR4, TR7, TR20	TRA2 TRA3 TRA3
Affordable housing	Section 6	HSG3	HOU3
Neighbour impact		ENV1	DES3
Heritage impact	Section 12		
Planning obligations and infrastructure		IMP1	DPS4 DEL1 DEL2

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

- 5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan has yet to be examined.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority comments that there is no accident record on Hebing End or at the junction with Whempstead Road. They consider that the design of the junction access is suitable for a small residential

development and they do not wish to restrict the grant of planning permission, subject to conditions.

- 6.2 Lead Local Flood Authority advised initially that the submitted Flood Risk Assessment (FRA) does not provide a suitable basis for the flood risks arising from the proposed development. However, discussions are ongoing with the applicant in this respect and an update on those discussions will be provided at the committee meeting.
- 6.3 EHDC Engineering Advisor comments that the site lies within Flood Zone 1. There are no historic flood incidents at the site but there is a record of flooding from a nearby pond. There are several ponds in the vicinity which indicates high water tables or springs. The FRA lists potential SuDS, including retention ponds/basins and swales, and more detail of these systems would be required at the reserved matters stage.
- 6.4 EHDC Housing Development Advisor notes that the Planning Statement states that affordable housing will be delivered in accordance with Local Plan policy requirements, 'subject to viability'. However, the applicant is yet to advise what level the scheme proposes and this requires clarification.
- 6.5 EHDC Conservation and Heritage Advisor advises that two grade II listed buildings (Gosmore Farmhouse and Gosmore Barn) are situated to the immediate east of the application site. A mature high hedge screens the listed buildings from the site and the proposed development is not considered to result in harm to the setting of these heritage assets.
- 6.6 EHDC Landscape Advisor advises that the site is fairly self-contained and has a moderate landscape sensitivity and capacity for the type of development proposed. However, the proposals fail to respect local distinctiveness in terms of the scale, mass, grain and pattern of historic development in the local area.
- 6.7 HCC Planning Obligations advises that financial contributions are required in respect of £40,861 towards the expansion of Benington primary school; £46,327 towards the expansion of Barnwell secondary school; £2,875 towards library services at Stevenage library, and £874 towards youth facilities at Buntingford Youth Centre.
- 6.8 Thames Water comments that it is the responsibility of the developer to make proper provision for surface water drainage. In respect of

sewerage infrastructure capacity they raise no objection to the proposals

- 6.9 HCC Fire and Rescue would seek the provision of fire hydrants within any permission granted.
- 6.10 Herts Crime Prevention advisor raises no objection in view of the outline nature of the proposals.

7.0 Parish Council Representations

- 7.1 Benington Parish Council comments that the applicant's agents presented the proposals to a meeting of the Parish Council on 1st November 2016.

- 7.2 The Parish Council's response to consultation on the application is summarised as:

The Parish Council understands that the village will need to accept some residential development in order to meet the district's needs. Whilst the relevant planning policy and the NPPF have been taken into account the Parish Council must also take into account the views of parishioners, many of whom feel that the proposed development of up to 13 dwellings will result in overcrowding of the site. In both the Local Plan and the emerging Plan Hebing End is categorised as Group 3. Both the Parish Council and parishioners have other concerns:

- The 3 roads leading into the village are poor quality, single track roads or roads just wide enough for two cars to pass. Paragraph 2.9 of the submitted Planning Statement does not take this into account
- The reliance of rural dwellers on the private car as there are only 5 buses a day through the village
- Paragraph 2.10 of the Planning Statement quotes Heathmount School located 2.44 miles away as serving the village but this is a fee paying school. The closest secondary school is The Barnwell School approximately 3 miles away in Stevenage.
- Paragraph 2.12 of the Planning Statement states that the village benefits from a range of local services, including local shops. There are no shops in the village, the closest being in Watton-at-Stone, Walkern and Stevenage
- There is poor water pressure in the village and the sewage system is operating at maximum capacity

Taking these points into account, and the views of parishioners, the Parish Council objects to the proposed development.

8.0 Summary of Other Representations

The application has been advertised by site and press notices and neighbour consultation. 205 responses have been received in objection to the proposals. Members are advised that 85 of these responses are from areas beyond the villages of Hebing End and Benington and include 65 responses from outside the district. The grounds of objection are summarised as:

- Inappropriate scale of development in rural location
- Increase in traffic generation
- Increase in car journeys to the village school
- Increased journeys by car to other settlements due to lack of employment, shopping facilities, services and doctors surgery in the village
- Lack of village facilities to support housing development
- Further development in the category 3 village should not be allowed
- Additional traffic in village and on narrow rural roads
- Poor site access and visibility
- Adverse impact on highway safety and access onto Whempstead Road
- Adverse impact on the character and appearance of the area
- Loss of outlook
- Adverse impact on setting of listed buildings
- Concern that water supply pressure will not support the development
- Adverse impact on landscape character
- Increased noise and light pollution
- Adverse impact on wildlife
- Adverse impact on drainage
- Concern about proposed hedge planting along the rear boundary of properties fronting Whempstead Road
- Concern about further pollution from wood burning stoves
- Brownfield and not greenfield sites should be used for this scale of development
- Flood risk

8.2 Councillor Crofton objects to the proposal on grounds summarised as:

- Unsustainable scale of development in category 3 village
- Limited bus services and increased car usage on lanes
- No supporting shops and the school is full
- There is already a lack of water pressure
- Encroachment in green field
- History of flooding incident and increased flood risk

8.3 The Campaign for Rural England object to the proposal on grounds summarised as:

- Hebing End is not part of the Category 2 Village of Benington. It is a Category 3 settlement where the Local Plan does not permit infill development
- A significant proportion of the Planning Statement is devoted to the district's lack of housing land supply and that Local Plan policies can be given little weight. However, the presumption in favour of granting planning permission in paragraph 14 of the NPPF is not irrefutable and a lack of five year housing land supply is not necessarily conclusive in favour of the grant of planning permission.

9.0 Planning History

9.1 There is no relevant planning history.

10.0 Consideration of Relevant Issues

10.1 The main issues for consideration are:

- The principle of the development; sustainability and housing land supply
- Impact on the character and appearance of the area
- Access and highways matters
- Heritage impact
- Impact on infrastructure and affordable housing provision
- Neighbour impact
- Surface water drainage

The principle of the development

10.2 The application site lies within Hebing End, a Category 3 settlement in the Rural Area beyond the Green Belt wherein policies GBC3 and

OSV3 would not permit new residential development, other than rural exceptions affordable housing. This policy approach is replicated in policy GBR2 of the emerging District Plan. The proposal therefore represents inappropriate development in the Rural Area beyond the Green Belt. When considering the principle of development it is necessary to consider, of course, any other material considerations, including policies contained in the NPPF.

- 10.3 The Council has acknowledged its lack of a 5 year housing supply and the need for housing in the District. It is also acknowledged that, in respect of the wording of the NPPF, the Council's settlement boundaries and housing allocations based on the 2007 Local Plan are considered to be out of date. The pre-submission District Plan has been published and sets out an up to date policy position in relation to the supply of land for housing. The Plan has recently been submitted for examination and it is considered therefore that weight can now be assigned to this emerging policy position, although there remains a need to qualify that weight somewhat, given that examination is yet to take place. In these circumstances, the Council currently remains unable to demonstrate a five year housing land supply.
- 10.4 In these circumstances paragraph 14 of the NPPF is engaged and there is a presumption in favour of granting planning permission for sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF as a whole.
- 10.5 It is necessary then to consider whether the development is sustainable; whether there are any significant or demonstrable adverse impacts associated with it, and whether there are specific policies in the Framework which indicate that development should be restricted.

Whether sustainable development

- 10.6 Paragraph 7 of the NPPF provides that there are three dimensions to sustainable development: economic, social and environmental.

Economic considerations

- 10.7 With regard to the economic dimension of sustainable development, the provision of a residential development on the site will mainly involve short term employment opportunities and other associated benefits with the building process. There may also be other economic benefits in respect of future occupiers of the development making use of local facilities such as the public house. This is therefore a matter which

carries some weight in favour of the application. However, that weight is limited as there is little employment opportunity in the village and the local shop to which the applicant refers sells agricultural products and equipment rather than goods to support the day to day amenities of nearby residents.

Social considerations

- 10.8 The development would provide 13 dwellings and, in the absence of a five year supply of housing land, this must be regarded as a benefit of the proposal. However, Hebing End itself has very limited facilities for residents (a public house) and the village of Benington, approximately a mile away, also has limited social facilities (a public house, and a village hall). There are no local shopping facilities and, apart from access to the primary school, there is a general lack of facilities to support housing development.
- 10.9 Public transport is limited to an infrequent bus service to the larger settlements providing shopping and service facilities such as Stevenage (6.5 miles), Ware (8 miles) and Hertford (9 miles). These centres have railway stations and there is also a station at Watton-at-Stone (3.1 miles). However, in reality, future residents would be heavily reliant on private motor vehicles for access to employment, shopping and most day to day facilities. Furthermore, that access would be via narrow, single track rural roads.
- 10.10 The application is in outline, with all matters reserved except for access and, although the applicant has indicated that affordable housing would be included in the proposals, this would be 'subject to viability' testing. A Viability Assessment has not been submitted. The applicant has confirmed that the application proposes 40% affordable housing and that the wording in the Planning Statement was intended to address circumstances where abnormal or unexpected costs arose during the planning process. Nevertheless there is a lack of certainty in this respect and limited positive weight can therefore be given to this aspect of the proposal.
- 10.11 These factors weigh against the proposed development and limit the positive weight that can be assigned to the provision of housing in this location.

Environmental considerations

- 10.12 The site is important to the character and appearance of the surrounding area, comprising an effective and attractive open gap in the development at Hebing End.
- 10.13 The indicative layout plans show a relatively low density development of approximately 14.4 dph, with generally reasonable provision for private amenity space and a landscaped area to the southern boundary with Hebing End. The development would nevertheless have an appreciable negative impact on the open, landscaped character of the surrounding area and would not assimilate well with the character of the site and surroundings.
- 10.14 There are two grade II listed buildings (Gosmore Farmhouse and Gosmore Barn) situated to the immediate east of the application site. However, a mature high hedge lies between the site and those buildings and would screen the listed buildings from the development. The proposed development would not harm the setting of these heritage assets and no adverse weight is assigned to this in the planning balance.
- 10.15 In respect of sustainable drainage, the Lead Local Flood Authority advise that that the submitted Flood Risk Assessment (FRA) does not provide a suitable basis for the flood risks arising from the proposed development. Further information in this respect has, however, been submitted by the applicant and discussions are ongoing with the LLFA. Officers understand that this information may well resolve the LLFA's objection but confirmation of that is sought and an update will be provided at the meeting.
- 10.16 Overall, Officers consider that the sustainability considerations set out above indicated that the site does not represent a sustainable location for residential development on the scale proposed.
- 10.17 In respect of other material planning considerations, the following are of relevance in the overall planning balance:-

Access and Highway matters

- 10.18 Details of access fall to be considered within this outline application. The Highway Authority considers that the design of the junction access into the site is suitable for a small residential development and no objections are therefore raised to the proposal in respect of access or highway safety/capacity.

Neighbour impact

- 10.19 The nearest existing properties are those fronting Whempstead Road and their rear garden boundaries form the west boundary of the site. The illustrative layout indicates that part of the proposed development would be sited close to this boundary. However, the minimum depth of the rear gardens is approximately 21m and it is considered that there would be no undue impact on residential amenity.

Planning Obligations

- 10.22 In addition to affordable housing (subject to viability), the applicant has indicated a willingness to provide a financial contribution towards educational facilities (although the amounts have not yet been agreed). However, other mitigation measures are considered to be necessary in this case including a contribution towards library and youth services and also those services set out in the table at the end of this report. In the absence of a commitment to these contributions, the proposal is contrary to policy IMP1 of the adopted Local Plan and a refusal of permission is also considered justified on those grounds.

11.0 Conclusion

- 11.1 The proposal represents an inappropriate form of development which is contrary to the Council's Rural Area policies. The NPPF sets out however that where Local Plans are out of date in terms of housing supply, there is a presumption in favour of sustainable development unless the impact of doing so would significantly and demonstrably outweigh the benefits of the proposal.
- 11.2 To make that judgement, all relevant material considerations have been assessed. In this case, whilst positive weight is assigned to the provision of 13 new dwellings and the contribution that makes to housing supply, it is not considered that the proposal represents a sustainable form of development, given its limited access to services, facilities, amenities and public transport. There is also insufficient clarity in respect of affordable housing and the contributions required to mitigate the impact of the proposal on local infrastructure. It is considered therefore that the presumption in favour of sustainable development in the NPPF is not applicable to this case.
- 11.3 The application site is considered to represent a significant and important gap in the surrounding built development which makes a positive contribution to the rural character of the area. The overall

quantum of development is considered to result in a significant and adverse impact on the character and appearance of the site and the surroundings. This is a matter which weighs significantly against the development proposal, in Officers opinion.

- 11.4 The development is considered to be acceptable in terms of highway considerations and in respect of the relationship with neighbouring properties. These are matters which are considered to be neutral in the overall balance of considerations.
- 11.5 Having assessed all the relevant material considerations, therefore, the proposal is not considered to result in a sustainable form of development and would have a significant adverse impact on the character and appearance of the local area. Inadequate mitigation measures are put forward to alleviate the impact of the proposal on local infrastructure, services and amenities and the positive impacts of the development in terms of housing supply are considered to be outweighed by the unsustainable nature of the development. As a result, Officers consider that the development proposal cannot be supported and recommend that planning permission is refused for the reasons set out below:

Reasons for Refusal:

1. The proposal, by reason of its siting and scale would result in an unsustainable form of development within the Rural Area beyond the Green Belt with poor access to services and facilities. As such, future residents would be heavily reliant on private motor transport for day to day residential amenities. The harm identified cannot adequately be mitigated and the proposal is thereby considered to be contrary to policies SD2, GBC3, OSV3 and ENV1 of the East Herts Local Plan Second Review April 2007 and the NPPF.
2. The proposed development would be detrimental to the character, appearance, and distinctiveness of the surrounding area contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
3. The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development, and it is unclear that adequate provision would be made for affordable housing. It would thereby be contrary to the provisions of policies IMP1 HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007.

Summary of Reason for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether planning objections to this application could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in the decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Framework.

KEY DATA

Residential development	
Units	13
Density	14.4 dph

The application is submitted in outline and the housing mix and parking requirements/provision are not assessed at this stage.

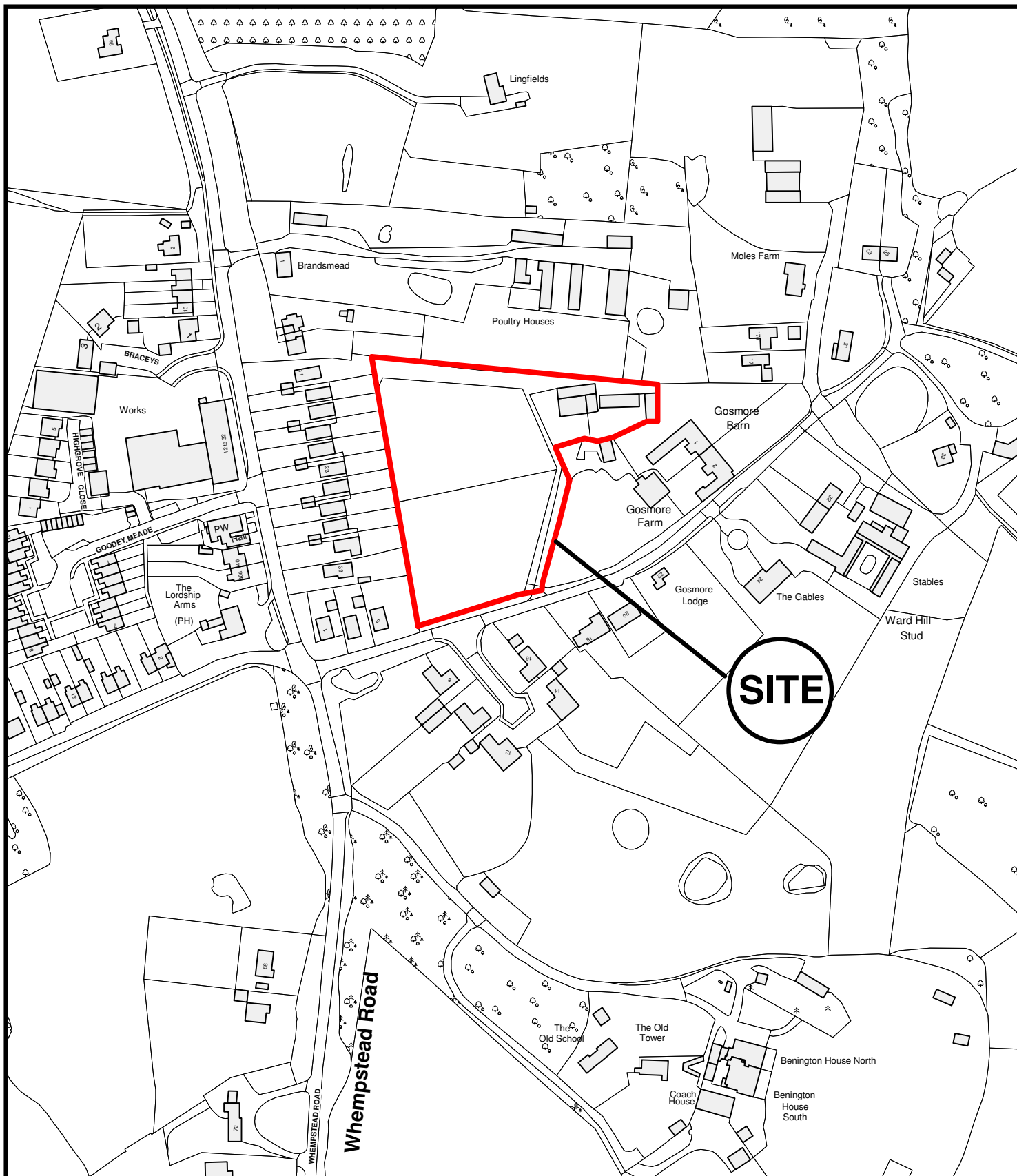
Parking	Spaces
Proposed	42
Local Plan Standard	35
Emerging District Plan Standard Accessibility Zone 4	36

Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008. However, in this case the application is submitted in outline and as the housing mix is unknown an assessment cannot be made. The application is recommended for refusal and in the circumstances financial obligations have not been sought.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	N/A but 40% considered necessary to make the development sustainable	40% - applicant indicates this is subject to viability	
Parks and Public	Unknown – outline	In accordance	

Gardens	application	with SPD Table 4	
Outdoor Sports facilities	Unknown – outline application	In accordance with SPD Table 4	
Amenity Green Space	Unknown – outline application	In accordance with SPD Table 4	
Provision for children and young people	Unknown – outline application	In accordance with SPD Table 4	
Maintenance contribution - Parks and public gardens	Unknown – outline application	In accordance with SPD Table 4	
Maintenance contribution - Outdoor Sports facilities	Unknown – outline application	In accordance with SPD Table 4	
Maintenance contribution - Amenity Green Space	Unknown – outline application	In accordance with SPD Table 4	
Maintenance contribution - Provision for children and young people	Unknown – outline application	In accordance with SPD Table 4	
Community Centres and Village Halls	Unknown – outline application	In accordance with SPD Table 4	
Recycling facilities	Unknown – outline application	In accordance with SPD Table 4	



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Date of Print: 10 April 2017

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DEVELOPMENT MANAGEMENT COMMITTEE – 26 APRIL 2017

Application Number	3/16/2114/HH
Proposal	Subterranean extension to form basement swimming pool and parking area.
Location	Rowneybury, Harlow Road, Sawbridgeworth, CM21 0AJ
Applicant	Mr Johnson
Parish	Sawbridgeworth
Ward	Sawbridgeworth

Date of Registration of Application	19 September 2016
Target Determination Date	19 December 2016
Reason for Committee Report	Major Development by reason of site size and floorspace.
Case Officer	Nicola McKay

RECOMMENDATION

That planning permission be **REFUSED** for the reason set out at the end of this report.

1.0 Summary

- 1.1 Members will recall that this application seeks planning permission for a subterranean extension to form a basement swimming pool and parking area in connection with the dwelling house known as Rowneybury.
- 1.2 The application was reported to the committee in February this year when Members resolved to defer consideration to enable Officers to seek additional information regarding the details of the proposal.
- 1.3 The original report is attached as Essential Reference Paper ‘A’. Since the application was deferred, additional information has been submitted by the applicant in relation to the details of the construction of the basement; the ventilation grilles and escape hatches that would protrude above or at ground level; the waterproofing of the basement; and of how the excavated spoil would be dealt with.
- 1.4 Those details are explained within this report. In addition, Members may recall that the Council has recently received an appeal decision relating to a more modest basement development within the Green Belt at Hertingforbury. This is considered to be material in the determination of this application and the appeal decision is attached as Essential Reference Paper ‘B’.

- 1.5 Officers have considered all this new information in the overall balance of considerations and remain of the view that, considered against the policies of the Local Plan and the NPPF in relation to development in the Green Belt, the proposal would result in disproportionate additions over and above the size of the original building and would constitute inappropriate development within the Green Belt.
- 1.6 The NPPF outlines that where inappropriate development is proposed it should not be approved except in very special circumstances and where the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 1.7 Other harm is identified in this case in relation to the limited loss of openness arising from the development and a clear conflict with the fundamental aim of keeping the Green Belt open and undeveloped. The absence of visual impact is, as the recent appeal decision confirms, not a positive matter to be weighed in favour of the development and Officers remain of the view that there are no material considerations in this case to which weight can be assigned such that the harm to the Green Belt, by reason of inappropriateness and loss of openness, is clearly outweighed. As a result very special circumstances have not been demonstrated to justify the development in the Green Belt.

2.0 Additional information received

- 2.1 Since the deferral of the application at the February committee, the applicant has submitted additional information in relation to the details of:
- plant, ventilation and flood protection measures
 - fire risk measures;
 - proposed ventilation grilles, car lift and other external hatches
 - soil depth above the basement; and
 - the proposed removal of excavated material from the site
- 2.2 In respect of plant, ventilation and flood protection measures, the applicant states that they envisage two separate plant rooms within the basement to secure the safe maintenance of the car collection incorporating humidity control, ventilation and fire/smoke prevention mechanisms. There will be 'state of the art' fire detection systems for the safety of staff looking after the car collection and these will be automatically linked to escape hatches in case of fire. Fire doors will be provided and a fire evacuation plan will be provided for staff and members of the family.

- 2.3 The applicant states that most of the cars will not require regular starting, but those that do will have an exhaust fume collection system fitted to the exhaust pipe to enable exhaust fumes to be removed without contaminating the underground area. They also indicate that cars can be moved without starting them using an electric or manual transporting device. In respect of flood protection, the applicant advises that a robust dry and safe environment will be provided.
- 2.4 In respect of the details of the proposed escape and car lift, the applicant has submitted photographs of the type of units proposed. These photographs will be available at the committee meeting and the applicant has indicated that they would be willing to submit further detailed proposals by condition if planning permission were granted for the development.
- 2.5 Details of the proposed soil depth above the basement have also been submitted and the applicant states that they will work with specialists to ensure that a lawn and landscaping can be maintained above the development.

Handling of excavated material

- 2.6 In respect of the means of dealing with the excavated material from the site, Officers have raised their concerns with the applicant. Initially, it was proposed that the soil excavated to create the basement would be redistributed across the site and the land regraded. However, there were no details of the volume of soil involved in order for the Council to assess the impact that this would have on the openness, character and appearance of the site and Members sought additional clarification in this respect.
- 2.7 Following discussion with the applicant it appeared that the proposal would result in a rise in land levels across the site by some 0.3m and this was considered to have a potentially detrimental impact on the appearance of the site and the proximity of the works to mature trees on the site.
- 2.8 However, the applicant now proposes to remove all the excavated soil from the site and this would involve the removal of 6 lorry loads of soil per day over a period of approximately 8 months.
- 2.9 All lorry movements would be via Rowneybury Farm entrance to the south west of the site and would occur between the hours of 09:00 to 15:00 Monday to Friday to cause as little disturbance to residents as possible.

- 2.10 The Highway Authority has been consulted on these proposals and Officers will update Members in relation to this at the committee meeting.
- 2.11 The movement of the amount of excavated material proposed would, in Officers view, have some adverse impact on the character and appearance of the area and this weighs against the proposal. However, that weight is limited, given the temporary nature of the works.

3.0 Considerations

- 3.1 The key policy issues and considerations in relation to this application are set out in the earlier report attached at Essential Reference Paper 'A'. These should be considered together with the additional information contained within this report and the material considerations regarding basement development in the Green Belt set out by the appeal inspector within the appeal decision set out in Essential Reference Paper 'B'.
- 3.2 Officers remain of the view that the proposal represents inappropriate development within the Green Belt and, as Members will be aware, this must be given significant weight in the balance of considerations. In addition to the harm by inappropriateness, other harm has been identified in respect of the elements of the proposal that would be visible such as the hatches, car lift and staircases. Whilst it is acknowledged that these would have a limited visual impact, and that their detailed design could be controlled by condition, they would nevertheless have some impact on openness and clearly identify the below ground development of an area of previously undeveloped Green Belt land.
- 3.3 There is therefore significant harm to the Green Belt in this case. The NPPF test then is that the positive impacts of the proposal must be sufficient to 'clearly outweigh' this harm. The absence of visual impact, as the recent appeal decision confirms, cannot be given positive weight against the Green Belt harm identified.
- 4.1 The positive impacts of the development are set out in the previous report at Essential Reference Paper 'A'. However, the weight which can be attributed to other considerations in this case is not such that, in the view of Officers, would clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and the other harm identified.

- 4.2 It is therefore recommended that planning permission be refused for the reason outlined below.

Reason for Refusal

1. The proposed development, together with previous extensions to the building, would disproportionately alter the size of the original dwelling and result in some harm to the openness of the Metropolitan Green Belt. The proposal thereby constitutes inappropriate development in the Green Belt and the weight that can be given to the positive impacts of the proposal is not such that would clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and the other harm identified. The proposal is thereby contrary to policies GBC1 and ENV5 of the East Herts Local Plan Second Review April 2007, and national planning policy guidance set out in the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

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DEVELOPMENT MANAGEMENT COMMITTEE – 8 FEBRUARY 2017

Application Number	3/16/2114/HH
Proposal	Subterranean extension to form basement swimming pool and parking area.
Location	Rowneybury, Harlow Road, Sawbridgeworth, CM21 0AJ
Applicant	Mr Johnson
Parish	Sawbridgeworth
Ward	Sawbridgeworth

Date of Registration of Application	19 September 2016
Target Determination Date	19 December 2016
Reason for Committee Report	Major Development by reason of site size and floorspace.
Case Officer	Nicola McKay

RECOMMENDATION

That planning permission be **REFUSED** for the reason set out at the end of this report.

1.0 Summary

- 1.1 This application seeks planning permission for a subterranean extension to form a basement swimming pool and parking area in connection with the dwelling house known as Rowneybury.
- 1.2 The site is located within the Metropolitan Green Belt wherein policy GBC1 of the adopted East Herts Local Plan 2007, and the NPPF, support specific types of development that are not inappropriate in the Green Belt. Policy GBR1 of the pre-submission District Plan, states that planning applications within the Green Belt will be considered in line with the provisions of the NPPF.
- 1.3 Considered against these policies, the proposal would result in disproportionate additions over and above the size of the original building and would thereby constitute inappropriate development within the Green Belt. The NPPF outlines that where inappropriate development is proposed it should not be approved except in very special circumstances and where the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 1.4 Other harm is identified in this case in relation to a limited loss of openness and conflict therefore with the aims of policies GBC1 and ENV5 of the adopted Local Plan and the NPPF.
- 1.5 Officers do not consider that the weight which can be assigned to the positive aspects of the proposals is such that the harm, by reason of inappropriateness and loss of openness, is clearly outweighed. As a result very special circumstances have not been demonstrated to justify the development in the Green Belt.

2.0 Site Description

- 2.1 The application site is located within the Green Belt to the south of the settlement of Sawbridgeworth and is occupied by a detached dwellinghouse and various outbuildings. The site is accessed from the A1184 (Harlow Road).
- 2.2 The original building benefits from a number of previous extensions and outbuildings.

3.0 Background to Proposal

- 3.1 The proposal is for a basement extension which would provide a parking area for 103 cars with an associated service bay, store and WC and a swimming pool with associated showers, changing facilities and a plant room.
- 3.2 The basement would extend approximately 91 metres forwards of the principal elevation of the dwelling and approximately a further 33 metres beyond the rear wall of the dwelling, and would have a floor area of approximately 3,616 sqm.
- 3.3 The proposed extension would be linked to the existing basement area below the north eastern part of the dwelling.
- 3.4 Three sets of stairs leading from the basement into the grounds surrounding the dwelling, and an area of hardstanding for the car lift, also form part of the proposal.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan policy
Principle of development	Section 9	GBC1	GBR1
Other harm-including impact upon openness of the Green Belt	Sections 7 and 9	ENV1, ENV2, ENV5	DES2, DES3, HOU11
Planning Balance	Section 9	GBC1	GBR1

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

- 5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan has recently been completed and the detail of the responses is now being considered by Officers. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the detail of the responses to the consultation is yet to be considered.
- 5.2 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above.

6.0 Summary of Consultee Responses

- 6.1 Herts Ecology comments that they have records of Badgers in Union Wood (40m to the east) and excavation work and heavy machinery should be kept well away from where it could damage the badger sett. They comment that it is reasonable to require a Badger survey to be carried out by condition, prior to the commencement of the development, and also to require any trenches to be covered at night.
- 6.2 Historic England comments that it was not necessary for them to be consulted on this application.
- 6.3 HCC Highway Authority does not wish to restrict the grant of permission subject to a condition requiring a construction traffic management plan.

6.4 Natural England states that they have no comments on the proposal.

6.5 EHDC Landscape Advisor recommends approval and comments that there would be no significant impact upon trees. However, an arboricultural method statement should be submitted to ensure sufficient protection of nearby trees and the 'Union Wood' and landscape drawings should be submitted to show the finished appearance of the completed development.

7.0 Town Council Representations

7.1 Sawbridgeworth Town Council has commented that it has no planning objection. However, it does have serious concerns about the environmental impact of the proposal.

8.0 Summary of Other Representations

8.1 No other representations have been received.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision
3/06/2416/FP	Erection of garage with storage/ancillary accommodation on 1st floor	Approved
3/05/0835/FP	Erection of first floor conservatory and first floor storeroom link	Approved
3/05/0175/FP	Retrospective application for erection of timber child's play equipment, and pole mounted floodlight, toy store and wendy house.	Approved
3/04/1730/FP	Two storey extension over swimming pool	Approved
3/04/0186/FP	Erection of garden folly and 'ruins'	Approved
3/01/0963/FP	Demolition of existing garage block and	Approved

	replacement with garage with music room above.	
3/01/0458/FP	Installation of hard surfaced tennis court with associated fencing, lighting and planting.	Approved
3/01/0048/FP	Outbuildings	Approved
3/00/1566/FP	Provision of porte cochere	Approved
3/97/1122/FP	Change of use from institute to residential. Single storey extension to form swimming pool. Detached garage	Approved
3/96/1161/FP	Change of use to offices and refurbishment and addition of pitched roof over existing garages.	Approved

10.0 **Consideration of Relevant Issues**

Principle

- 10.1 Policy GBC1 of the adopted Local Plan allows for limited extensions to dwellings within the Green Belt in accordance with policy ENV5 which expects extensions, cumulatively with those previously added, to not disproportionately alter the size of the original dwelling.
- 10.2 The NPPF allows for extensions to buildings provided that it does not result in disproportionate additions over and above the size of the original building.
- 10.3 The plans that were submitted in connection with a planning application made in 1997 (Ipa. 3/97/1122/FP) show that the building at this time was much smaller in size. The original building is likely to have included the areas shown on the proposed floor plans as a study and office (within the north eastern part of the dwelling) and it appears to have extended up to and including the existing dining room, breakfast room and kitchen within the south western part of the building. The part of the building that is shown on the proposed floor plans as a Ballroom, which is 2 storeys in height, clearly forms a significant previous extension to the original building.

- 10.4 Based upon the ground and first floor plans that are available, it would appear that the original building would have had a floor area of up to 720 sqm. The previous extension which forms the south western wing of the dwelling (shown as Ballroom on the proposed ground floor plans) has resulted in approximately an additional 490sqm, which in itself represents a 68% increase to the size of the original building. Such an increase in size cannot be considered to be limited or proportionate to the original building. Furthermore, it is reasonable to take into account outbuildings that have been added within the curtilage of the dwelling, which would increase the size of previous additions beyond 68%.
- 10.5 The proposed basement extension would result in a further increase to the building of approximately 3,616 sqm, resulting in cumulative additions to the building exceeding 570% (increasing further when the outbuildings are taken into account). Clearly such an increase in size would form a further disproportionate addition to the original building and the proposal is therefore considered to be contrary to policies GBC1 and ENV5 of the adopted Local Plan; GBR1 of the pre-submission District Plan, and the NPPF.
- 10.6 As inappropriate development, and in accordance with Policy GBC1 of the Local Plan and national policy in the NPPF, planning permission should not be granted for the proposed development unless the harm caused by inappropriateness, and any other harm, is clearly outweighed by other material considerations such that very special circumstances exist to justify the grant of planning permission. It is necessary therefore to consider what other harm would result from the proposed development and then to consider the weight that can be given to other material considerations in this case.

Other harm

Impact on openness

- 10.7 The proposal would mostly be constructed underground which would of course limit its impact upon the openness of the Green Belt. The only above ground development would appear to be three sets of stairs and an area of hardstanding for the car lift. The indicative details provided by the agent suggest that the car lift would only involve a relatively small area of hardstanding that would be at ground level. Whilst details of the external appearance of the stairs have been requested during the course of the application these have not been provided.
- 10.8 As the stairs would be constructed on undeveloped land that currently forms an area of grass, any loss to this undeveloped open space would inevitably result in a loss of openness within the site. However, without

plans to indicate the extent of the stairs and the visual impact above ground level, it is difficult to assess the full extent of harm that this would cause to the openness of the Green Belt. It is clear, however, that some loss of openness would occur, however limited

- 10.9 Supporting information submitted on behalf of the applicant states that the soil excavated to create the development would be redistributed across the site and the land regraded. However, no details have been provided to indicate the likely volume of soil and how this would be distributed across the site in order to assess whether this would have an additional adverse impact upon the openness of the Green Belt and the character and appearance of the site.
- 10.10 It is clear, that there would be some loss of openness to the Green Belt as a result of the development and this therefore carries additional negative weight in the balance of considerations.

Protected Species

- 10.11 It is noted that the proposed basement extension would be constructed beneath an area of mown grass and hardstanding and would require significant excavation and engineering works. However, the Council's ecological advisor is satisfied that, with suitable conditions and further protected species surveys, the proposal would not have an unacceptable impact upon Protected Species. The impact on ecology is therefore considered neutral in the balance of considerations.

Neighbour Amenity

- 10.12 There are no existing residential properties within close proximity of the development proposals. Having regard to the significant distances between the proposed development and the nearest neighbouring residential properties, therefore, Officers consider that there would be no detrimental impact upon the amenities of any nearby occupiers. No additional harm is therefore identified in this respect.

Highway Safety

- 10.13 Supporting information submitted on behalf of the applicant states that the proposed underground garage and car parking facility would be ancillary to the main use of Rowneybury House and that it would be used to house the applicant's classic car collection. It appears from the information available that the proposal would not necessarily result in a high frequency of vehicle movement in and out of the site. Furthermore, the supporting information states that the soil excavated would be spread and graded throughout the application site and as

such it is not anticipated that there would be a need for significant HGV movements as a result of the proposal.

- 10.14 Having regard to the above; the comments received from the Highway Authority, and the ability to control traffic movements to some extent by condition, Officers are satisfied that the proposal would not have a severe impact upon highway safety and highways matters are considered neutral in the balance of considerations.

Trees

- 10.15 Having regard to the comments received from the Council's Landscape Advisor, it is not anticipated that the proposal would have a detrimental impact upon existing trees. However, if permission were to be granted, suitable conditions would be required to ensure the retention of nearby trees and their protection during construction works. The impact on trees is therefore considered neutral in the balance of considerations.
- 10.16 In summary, the proposal is considered to constitute inappropriate development in the Green Belt and additional harm is identified in respect of some (albeit potentially limited) loss of openness. It is necessary then to consider whether there are any other considerations which would 'clearly outweigh' this identified harm, such as to provide the very special circumstances necessary to justify the inappropriate development in the Green Belt. These other considerations are set out below.

Benefits of the proposal

- 10.17 The applicant's agent has indicated that the unique requirements of the applicant to have a large area of parking for their private car collection, is a consideration of significant weight in the determination of the application.
- 10.18 The applicant owns numerous classic cars which are currently stored all over the country and abroad. They require specialist storage facilities which the proposed development would provide (i.e. climate control and security) and there would be easy access to specialist classic car restoration facilities at the adjacent Italstyle Industrial buildings (which are also in the ownership of the applicant).
- 10.19 It is proposed to use the existing access between Italstyle and Rowneybury House for the occasional movement of parts, for the collection of cars for restoration, maintenance and occasional transportation to public exhibitions. The applicant's agent states that

this collection will provide a means by which these exhibits can be rescued, restored and then reintroduced to the interested public via formal exhibitions and car shows.

- 10.20 The considerations put forward in support of the application are noted. However, they are not considered to be of such weight that they would clearly outweigh the harm caused to the Green Belt by inappropriateness (which the NPPF identifies as substantial harm) and any loss of openness. The need for specialist car storage for the classic car collection is understood, but a location within the Green Belt is not an essential requirement of that need and the development is more appropriately suited to an urban or commercial area.
- 10.21 It is noted that the proposal would provide additional business for the applicant's nearby classic car restoration and maintenance company and having the cars on-site would appear to reduce the need for them to be transported from elsewhere. This would be of some limited benefit in sustainability terms, but is not considered to be sufficient to clearly outweigh the harm caused to the Green Belt.

11.0 Conclusion

- 11.1 The proposed development, together with other additions added, would result in disproportionate additions to the original building. Therefore, the proposal forms inappropriate development within the Green Belt and other harm to the openness of the Green Belt has been outlined above in conflict with the aims of policies GBC1 and ENV5 and the NPPF. The positive weight which can be attributed to other considerations in this case is not such that would clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and the other harm identified.
- 11.2 It is therefore recommended that planning permission be refused for the reason outlined below.

Reason for Refusal

1. The proposed development, together with previous extensions to the building, would disproportionately alter the size of the original dwelling and result in some harm to the openness of the Metropolitan Green Belt. The proposal thereby constitutes inappropriate development in the Green Belt and the weight that can be given to the positive impacts of the proposal is not such that would clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and the other harm identified. The proposal is thereby contrary to policies GBC1 and ENV5

of the East Herts Local Plan Second Review April 2007, and national planning policy guidance set out in the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

Appeal Decision

Site visit made on 6 March 2017

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th March 2017

Appeal Ref: APP/J1915/D/17/3166395

**The Walled Manor, St Marys Lane, Hertingfordbury,
Hertfordshire SG14 2LX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Taylor against the decision of East Herts Council.
 - The application Ref 3/16/1705/HH, dated 26 July 2016, was refused by notice dated 13 October 2016.
 - The development proposed is a subterranean extension to form basement with swimming pool, parking area and two pedestrian glazing panels.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; and whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The proposal would result in a large subterranean basement under part of the enclosed garden of this dwelling. The Council's concern is that the proposal represents inappropriate development within the Green Belt. Policy GBC1 of the East Herts Local Plan Second Review 2007 advises that permission will not be given for inappropriate development unless very special circumstances exist that clearly outweigh the harm by reason of inappropriateness or any other harm. It accepts limited extensions or alterations to existing dwellings, in accordance with Policy ENV5, as not being inappropriate.
 4. Policy ENV5 accepts extensions within listed settlements providing they would not harm the character and appearance or amenities of the dwelling or adjoining dwellings. Outside these settlements, in addition to the above, any addition should be of a scale and size that would itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the area. It should also be considered against Policy ENV6 which sets out design considerations.
-

5. The *National Planning Policy Framework* advises that new buildings should be regarded as inappropriate unless they fall within an exception set out in paragraph 89. This includes extensions of buildings provided that they do not result in disproportionate additions over and above the size of the original building. The Council's policies have clear similarities with those of the *Framework*, particularly with regard to the matters that are relevant to this development. However, they also differ from its requirements in a number of ways. I therefore afford moderate weight to them and greater weight to the requirements of the *Framework*. The Council's emerging District Plan is at an early stage but in any event, it requires that decisions be made in accordance with the *Framework* with regard to the Green Belt.

Inappropriateness and any other harm

6. The subterranean extension would accommodate parking for nine cars, a motorbike display area and a swimming pool. The Council advise that the floor space within the proposal would be in the order of 462sq.m. It also advises that the floorspace of the original dwelling was 400sq.m and this has already been extended by 65.5%. It is suggested that the increase overall would be 210%.
7. The above figures do not appear to be in dispute. In any event, the scale of the additional works when considered against the original size of the dwelling cannot reasonably be considered to be proportionate additions over and above the size of the original building. The proposal therefore represents inappropriate development in the Green Belt.
8. Although subterranean, the proposal would reduce the openness of the Green Belt as the works would result in development over a large area that has not previously been developed. It would therefore conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. I accept however, that as the works are closely related to the house; are within the garden area which itself is entirely enclosed by high walls; and would be subterranean with the open garden area reinstated above, the reduction in openness and the harm from it would be extremely limited and not significant overall.
9. Given the nature of the works, the proposal would not result in any harm to the character or appearance of the area or the amenities of adjacent land users.

Very Special Circumstances

10. It is accepted that in most respects, there would be no significant harm as a result of the proposal because of its subterranean character and position within the walled garden. This is however not a positive matter to be weighed in favour of the development but a matter that does not weigh against it. The proposal would provide the appellant with additional accommodation that would enhance the enjoyment of the property. The personal circumstances of individuals can weigh in favour of a proposal but no specific evidence has been put forward in this case and very limited weight can be afforded to the aspirations of the applicant with regard to this particular development.
11. The appellant makes reference to a recent permission which accepted a smaller subterranean extension at this property. The Council concluded that the

underground extension would be inappropriate development. The appellant advises that the Council accepted that the removal of the need for any above ground extensions, allowing the property to be extended without harming the openness of the Green Belt or falling foul of any of the purposes of including land with the Green Belt, represented very special circumstances that outweighed the harm from inappropriateness.

12. My understanding is that the original permission for the house removed permitted development rights for extensions and garden buildings. The planning history indicates that the Council successfully resisted a rear and side extension in 2015. A swimming pool was permitted but this permission has expired. Allowing underground accommodation may reduce the pressure for above ground development but I am not clear that without the permission granted by the Council, significant harm would have resulted. I accept that I do not have the full details of the determination that was made by the Council at that time.
13. Notwithstanding the above, as the Council has accepted a subterranean development of 177sq.m, this is a matter that weighs in favour of allowing a similar development. The approach to decision making should also be consistent. Although I do not have the full details, the Council's previous view as to the weight to be afforded to the benefits of the approved basement when balancing the considerations in support of the development against the substantial harm from inappropriateness, also provides weight in favour of a similar development. I am unclear however, what additional benefit there would be to a greater scale of development, other than to the living conditions and aspirations of the appellant.
14. Refence has been made to the proposed use of the basement and whether it would remain ancillary or incidental to the use of the dwelling house. A change of use has not been sought and an alternative use would require a different assessment. The lawfulness of the proposed use is not a matter before me and evidence as to this has not been submitted. I have therefore assessed the proposal on the basis of the details provided.

Conclusions

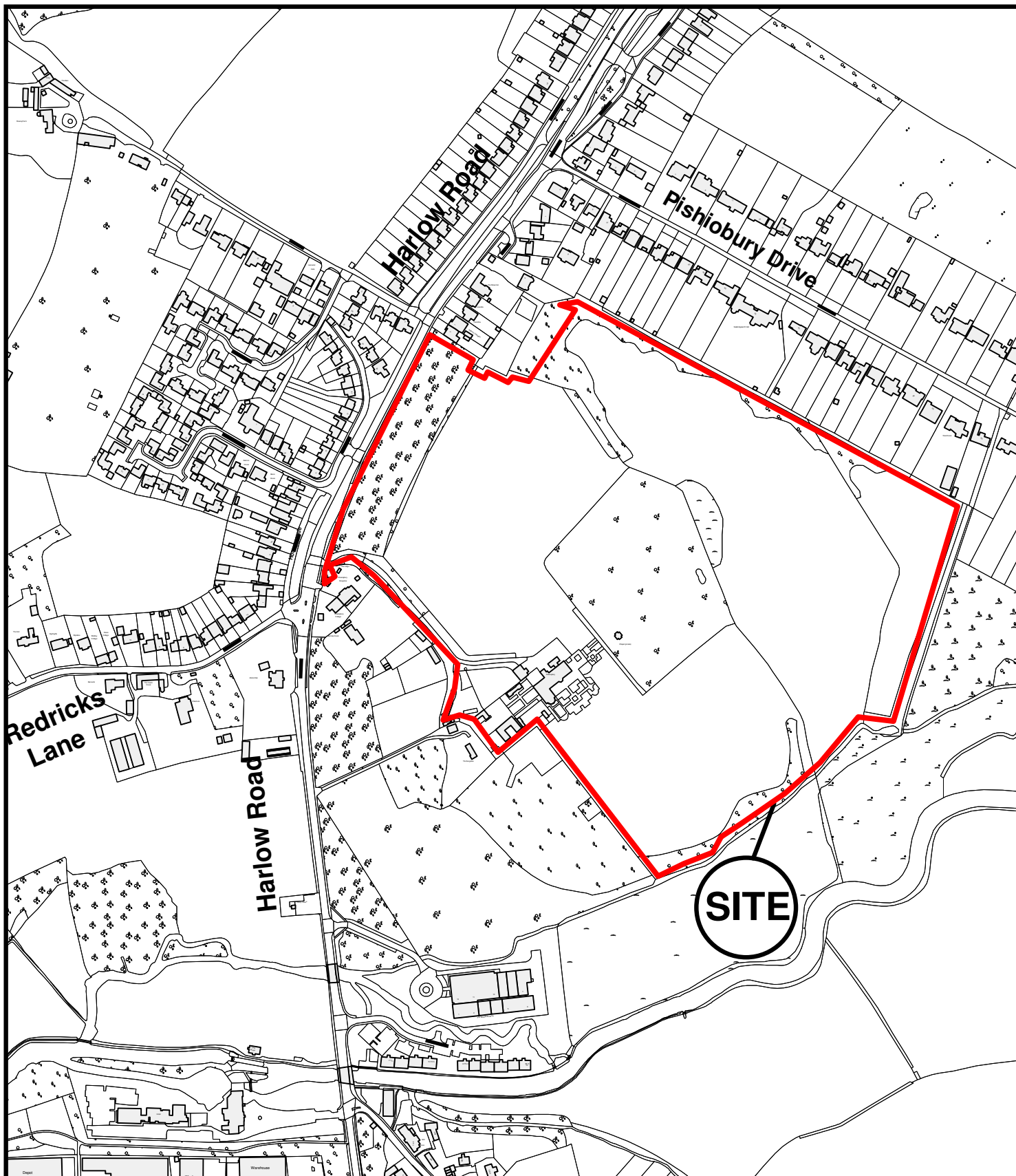
15. Substantial weight must be given to the harm from inappropriate development. Although I accept that when compared to the previously permitted basement, there would be no significant additional harm to openness and no other harm would result, the harm from inappropriateness would remain. I am not satisfied that there would be any further benefits to those previously accepted, other than those relating to the living conditions of the appellant. I do not accept that the harm from inappropriateness, in relation to a smaller basement, should be considered as being exactly of the same magnitude as for a larger basement, as appears to be suggested by the appellant. It would in my view, increase with the increasing scale of development beyond that accepted as not being inappropriate by the *Framework*.
16. Overall, there are a number of considerations that do not weigh significantly against the proposal such as the very limited impact on openness; the very limited conflict with the fundamental aim of Green Belt policy; the lack of any visual harm or harm to amenities. However, of more importance are the

considerations that weigh in favour of the proposal, such as the previous permission; the previous approach of the Council, including the potential for a reduction in pressure for above ground development; and the benefit that can be afforded to the aspirations of the appellant. I conclude, that these considerations when taken together are not sufficient to clearly outweigh the substantial harm that would result from inappropriateness.

17. The *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. As the considerations in this case do not clearly outweigh the harm from inappropriateness, the very special circumstances necessary to justify the development do not exist.
18. The proposal would be contrary to the requirements of the *Framework* and would also conflict with the Council's policies. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



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DEVELOPMENT MANAGEMENT COMMITTEE – 26 APRIL 2017

Application Number	a) 3/17/0002/FUL b) 3/17/0003/LBC
Proposal	Alterations to and change of use of 1) modern agricultural building to B1:light industrial 2) western range of agricultural buildings and granary to B1:office and 3) eastern range of agricultural buildings to dual use office/residential . Demolition of existing sheds and covered yard. Partial infilling and regrading of former slurry pit to provide balancing pond and associated landscaping.
Location	Widfordbury Farm, Ware Road, Widford, SG12 8RL
Applicant	Mr Nicholas Buxton
Parish	Widford
Ward	Hunsdon

Date of Registration of Application	4 January 2017
Target Determination Date	1 March 2017
Reason for Committee Report	Major planning application
Case Officer	Nicola Mckay

RECOMMENDATION

- a) In respect of application ref: 3/17/0002/FUL planning permission be **GRANTED** subject to the conditions set out at the end of this report.
- b) In respect of application ref: 3/17/0003/LBC Listed Building Consent be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

- 1.1 Planning permission and Listed Building Consent are sought for the change of use of agricultural buildings to a mix of business and residential use. The proposal also includes the demolition of modern structures within the site and works to the existing slurry pit to provide a balancing pond.
- 1.2 Officers consider that the proposed scheme will result in an appropriate mix of uses within the site and the redevelopment would be of a high standard of design that would relate well to and preserve the historic character and appearance of the curtilage listed buildings within the site and the setting of the nearby by Grade 2 and Grade 2* listed buildings and enhance the character and appearance of the Widford Conservation Area.

2.0 Site Description

- 2.1 The application site is shown on the attached OS extract and is located on the northern side of Ware Road (B1004), to the west of Widford. Adjoining the site to the east is Grade 2 listed Widfordbury House with the Grade 2* listed St John the Baptist Church beyond this to the east. To the north and west of the site is undeveloped land. The neighbouring land levels decline in an east to west and south to north direction. A public footpath leads from the vehicular highway to the south through the centre of the site into the undeveloped land to the north. The site is at a raised level to and overlooks the open countryside to the north that leads to the Ash Valley.
- 2.2 The site is occupied by a collection of agricultural buildings. Within the eastern part of the site are a 'U-shaped' collection of buildings that are constructed with brick with timber cladding and a mix of slate and metal sheet roofing. These buildings appear to have formed part of the site pre-1948 and as such are considered to be curtilage listed. Within the western parts of the site are modern farm structures including a large utilitarian building constructed with a steel frame clad with timber and metal sheets with a corrugated asbestos roof.

3.0 Background to Proposal

- 3.1 The proposal is to change the use of the large utilitarian building within the western part of the site into 5 No. units for B1 light industrial purposes (Units 1-5). In relation to the 'U-shaped' traditional buildings, the western leg of these and granary (northernmost part of eastern leg) are proposed to be changed to office use (Unit 6). The remainder of the eastern range of the traditional buildings and the southern part are proposed to be changed to two dual office/residential units (Units 7-9).
- 3.2 The utilitarian building is proposed to be clad with timber boarding and various new windows and doors would be added together with internal partitions.
- 3.3 The western leg of the traditional buildings are proposed to be repaired and the south west corner is to be rebuilt to reinstate the original building. A number of new windows and doors are proposed which are mostly within the positions of existing openings.
- 3.4 Limited changes are proposed to the eastern and southern part of the traditional building that would form Units 7 and 8, with some alterations proposed and a number of new windows and doors which are mostly

within the positions of existing openings. These units are proposed to be used flexibly as either residential or office use, with no physical changes being required to change between the two uses. The kitchens and bathrooms have been designed to be appropriate for either residential or office use and the remaining spaces could be used for either residential or office use.

- 3.5 The granary, which is located to the north eastern part of the traditional buildings would be altered to form an office space.
- 3.6 An existing semi-open shed within the south western part of the site and a covered yard located centrally within the existing 'U-shaped' traditional buildings are proposed to be demolished together with the partial demolition of an open shed to the rear of the western range of the traditional buildings.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan policy
Principle	Section 3	GBC3, GBC9 and GBC10	GBR2, ED2
Design and layout and impact upon listed buildings and the Widford Conservation Area	Sections 7 and 12	ENV1 and BH6	DES3, HOU11, HA1 and HA7
Impact upon neighbour amenity	Section 7	ENV1	DES3

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

- 5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned

to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan has yet to be examined.

- 5.2 In respect of the principle of the development, District Plan Policy GBR2 allows for the re-use of buildings provided that they are of permanent and substantial construction and accord with Policy ED2. Unlike adopted Policy GBC9 there is no requirement in Policy GBR2 for a rural building to be considered 'worthy of retention' in order for its residential use to be justified.
- 5.3 In relation to the other key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority does not wish to restrict the grant of planning permission subject to conditions relating to the implementation of access improvements, visibility splays, hard surfacing details, a diversion of the public right of way and the submission of a construction traffic management plan. It comments that the development proposals are likely to represent a significant intensification of use over and above the consented use and the location of the site means that the occupiers are likely to be dependent upon the use of the private car and given these factors there are some concerns how the development may meet the sustainable transport provision of the NPPF.
- 6.2 The Lead Local Flood Authority initially objected to the proposal as it required clarification on a feasible discharge location. Following the submission of further information from the applicant, it now has no objections on flood risk grounds and recommends conditions requiring the development to be carried out in accordance with the approved drainage assessment and for a detailed surface water drainage scheme to be submitted and approved to include detailed engineering details of the SuDs features and details of future maintenance.
- 6.3 EHDC Engineering Advisor comments that the site is within Flood Zone 1 and is mostly away from surface water inundation zones. The proposed pond is considered as a high quality form of SuDS that would help reduce flood risk and creates amenity, biodiversity and potentially helps improve water quality within the site.

- 6.4 EHDC Conservation and Heritage Advisor recommends approval. The advisor comments that the proposals relate to the Widfordbury Farm buildings to the west of the above listed buildings forming their setting and the western boundary of the Conservation Area. They are part of the 'steading' of the Farmhouse and for those built before 1948, are curtilage buildings protected under the listing. The Farm is no longer operated from these buildings, making them redundant. The buildings date from various eras from the 19th c to modern times and are in a poor to very dilapidated state. The historic buildings are entries on the EHDC Register of Heritage at Risk.

The advisor strongly supports the principle of putting the historic buildings back to viable use. There was nothing of any special interest noted about their interiors, but clearly, the scale of the buildings and their external envelopes are important to the setting of the listed buildings and the character and appearance of this rural conservation area. As such there is a relatively free hand as to their conversion provided that the exterior of the historic buildings is faithfully restored appropriate to their provenance or, for the modern utilitarian building, is done such as to enhance its appearance to make it more appropriate to this sensitive historic location. Having examined the drawings and considered the various alterations required to enable the new use, the advisor is content with the proposals subject to detailed designs of doors and windows and materials (which should match existing or restore to traditional materials of the 19th c).

With regards to the demolition work the advisor entirely agrees with the proposed removal of the covered yard and the semi-open shed to the west of the site. Elements of the open shed at the north of the traditional barn are proposed for removal. As stated the advisor did not see anything of particular significance in this interior and are content with the proposal.

The only regret is that the 'Concrete Framed 'Utilitarian Buildings' could not also be removed but the advisor recognises the economic importance of this footage to the viability of the scheme ; however the building might readily be improved by the addition of suitable cladding and better roofing materials. The advisor notes the annotation of some form of horizontal cladding on this building – if it were traditional feather edged timber cladding that would be satisfactory with improvements to the appearance of the roofs.

The advisor is content with the designs of the various alterations required subject to details.

The proposals are welcome and would put these buildings back into viable use and, hopefully, once properly restored, will allow them to come off the Heritage at Risk Register. The advisor is happy to recommend consent is granted subject to conditions.

Historic England does not wish to offer any comments on the application.

EHDC Landscape Advisor has recommended approval. The advisor comments that there are no arboricultural implications. The advisor suggests that landscape proposals are kept simple using a limited palette of plant species and hardsurfacing to reflect the historic use of the site. The bridleway should be integrated into the scheme and waymarked accordingly and the balancing pond should have shallower side than the existing pit which could be hazardous

Herts Ecology comments that the Ecological Appraisal submitted with the application has made a thorough assessment of the site and the possible ecological constraints. Conditions are recommended to require that no removal of hedgerow, trees or shrubs takes place between 1st March and 31st August and for a lighting scheme to be submitted.

The Herts and Middlesex Wildlife Trust comments that the ecological report outlines various mitigation measures that are not shown on the plans and therefore these should be secured by condition.

HCC Development Services seek the provision of fire hydrants within the site.

EHDC Environmental Health Advisor comments that any permission granted should be subject to conditions relating to contaminated land and construction hours of working.

6.5 National Grid does not object to the application.

6.6 The Ramblers Association comments that the necessary legal procedures for diverting public bridleway 16 should be completed before construction starts.

7.0 Parish Council Representations

7.1 No comments have been received.

8.0 Summary of Other Representations

- 8.1 An objection has been received from the occupiers of No. 1 Widfordbury House. The residents comment that the Ash Valley is an iconic site used by many. The existing barns loom over the valley, however, they are light allowing views through them. Light industrial buildings would ruin the timeless, rural feel of the valley. The barns are used by bats and resting barn owls and a bat loft should be included in the proposal.

9.0 Planning History

- 9.1 The following planning history is of relevance to this proposal:

Ref	Proposal	Decision	Date
3/05/1434/FP	Conversion of redundant agricultural buildings to four residential units, demolition of utilitarian farm buildings and erection of two new dwellings and garages	Refused and dismissed at appeal due to the principle of the construction of two new dwellings within the site	11.10.2005

10.0 Consideration of Relevant Issues

Principle

- 10.1 In accordance with the aims of Policies GBC9 and GBC10 of the Local Plan the existing buildings were originally erected to serve a genuine agricultural need and are permanent and soundly constructed, not requiring complete or substantial reconstruction before adaptation to a new use. In the current Local Plan, Widford is a category 2 village without a development boundary. In the emerging District Plan a development boundary for the village is identified, and the site is outside of this.
- 10.2 The existing buildings are of a form, bulk, general design and materials of construction such that they are in keeping with their surroundings. Whilst it is acknowledged that the utilitarian building is large in size and

of a modern appearance, it is of a typical style and appearance for agricultural buildings within rural locations such as this. Furthermore, the alterations proposed to this building would enhance its existing appearance.

- 10.3 Where a residential use is proposed Policy GBC9 expects the existing buildings to be worthy of retention. However, it is noted that this is no longer proposed as a requirement for the change of use of rural buildings within Policy GBR2 of the District Plan. The comments received from the Conservation Officer confirm that the traditional buildings which are proposed for residential use are curtilage listed. Whilst it is noted that the internal fabric of the buildings do not appear to be of any special interest their siting and form are considered to be of historic importance to the setting of the nearby Grade 2 listed farmhouse and the other neighbouring Grade 2 and Grade 2* listed buildings. The buildings proposed for residential use are therefore considered to worthy of retention.
- 10.4 In respect of a residential use of rural buildings, Policy GBC9, permits this where the retention of the building is unable to be facilitated by conversion to a business use or other purposes compatible with the rural area. The majority of the site is proposed to be reused for business purposes and in this case the only residential uses proposed are as flexible office/residential spaces. Therefore, Officers consider that a suitable amount of business use would be introduced at the site and that the proposal for a mixed use development is appropriate in this case.
- 10.5 With regards to the proposal for a dual use of either office or residential, the buildings have been designed internally and externally to allow for this to take place. Both uses would benefit from private amenity space and suitable parking provision is made for either use. Having regard to the limited size of the units, the level of activity involved in either an office or residential use would not be significantly different, albeit the hours of most frequent use are most likely to be during the daytime and weekdays for an office use and evenings and weekends for a residential use. The proposed dual use will enable flexibility for the applicant to meet market demand and ensure that the buildings are put into viable use. Given the limited scale of this part of the development proposal Officers have no objections to this approach.
- 10.6 Policy GBC9 expects consideration to be given as to whether an affordable housing contribution could be made. Given the proposed dual use of residential and office this would not be appropriate in this case and furthermore, having regard to their rural location their use for

affordable housing does not appear to be a realistic or reasonable option in this case.

- 10.7 The NPPF outlines as one of its core planning principles that planning should promote mixed use developments (paragraph 17). Paragraph 55 of the NPPF set outs that new isolated homes in the countryside should be avoided unless there are special circumstances such as the re-use of redundant or dis-used buildings that lead to an enhancement to the immediate setting or where such development would represent the optimal viable use of a heritage asset. The proposed development is considered to accord with these aims within the NPPF.
- 10.8 The principle of the proposed re-use of the slurry pit to a drainage pond is supported by Officers as this part of the proposal would form a sustainable development that would bring visual, biodiversity and amenity enhancements to the site.
- 10.9 In Summary, Officers consider that the principle of the proposals are acceptable and comply with the relevant adopted and proposed Local Plan policies and the aims of the NPPF.

Design and layout and impact upon listed buildings and the Widford Conservation Area

- 10.10 The proposal involves minimal alterations to the existing buildings, which Officers consider would enhance their appearance and their contribution to the setting of the neighbouring listed buildings and the character and appearance of the Conservation Area. Existing sheds and the covered storage yard are proposed to be demolished and soft landscaping for amenity areas are proposed which would further enhance the appearance of the site. The re use of the existing slurry pit as a drainage pond and the associated landscaping would also enhance the appearance of the site and would provide benefits to the occupiers of the site and provide biodiversity gain.
- 10.11 In respect of the comments made by the Conservation Officer relating to the use of traditional timber cladding for the large utilitarian building the applicant's agent has confirmed that they are willing to consider this and provide suitable options for materials through the submission of details to be agreed by condition. Officers recommend a condition to require samples of materials to be submitted for the planning permission which effects all of the buildings and for other details relevant to the curtilage listed buildings to be agreed through conditions imposed upon the Listed Building Consent in accordance with the advice received from the Conservation Officer.

- 10.12 The Widford Conservation Area Appraisal and Management Plan, October 2013 identifies the contribution that the buildings within the site make to the Widford Conservation Area. The appraisal states that 'The buildings are in deteriorating condition and make a valuable architectural and historical contribution to the village approach' and states that the Council should 'seek to achieve a satisfactory outcome for the long term future of the agricultural barns'.
- 10.13 The NPPF outlines that Planning Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and outing them to viable uses consistent with their conservation (paragraph 131).
- 10.14 The proposal provides an opportunity to restore the existing buildings and secure a long term viable use that would enable their long-term preservation. The development would enable the curtilage listed buildings to be removed from the EHDC Register of Heritage at Risk. The Conservation Area appraisal also identifies the frontage hedging as being important to the character of the area. This would be retained albeit altered to enable the creation of a widened access to the larger modern building on the site. Overall the proposals would provide significant enhancements to the character and appearance of the site, the setting of the listed buildings and the Widford Conservation Area.
- 10.15 The concerns raised by a local resident in respect of the retention of the large utilitarian building are noted. Whilst the demolition of this building would further enhance the site, Officers consider that this would be an unreasonable requirement given that both Local and National planning policy permit and encourage the re-use of existing buildings and having regard to the contribution that the retention of the building and its re-use would make to the overall viability of the scheme which overall will provide considerable enhancement to the site and heritage assets.
- 10.16 It is acknowledged that the existing buildings are clearly visible from the surrounding open countryside, and in particular that to the north of the site, where a public footpath leads towards the Ash Valley, however, having regard to the above considerations and having noted that the Council's Landscape Advisor has recommended approval of the application, Officers consider that the impact of the proposal upon the visual landscape and the character and appearance of the Rural Area would be acceptable.

Neighbour Amenity

- 10.17 The closest neighbouring dwelling to the site is Widfordbury House, which adjoins the north eastern boundary of the site and as such is situated within close proximity to the traditional farm buildings. Widfordbury House has a number of windows that overlook the granary and adjacent part of the buildings, however, it is set back a distance of approximately 15 metres from these buildings. The only opening that is proposed to the north elevation of the granary which faces towards this neighbouring dwelling would be an obscure glazed doorway. Having regard to this and the single storey height of the application site buildings Officers do not consider that the proposal would result in an unacceptable loss of privacy to this neighbouring property.
- 10.18 Whilst the re-use of the buildings would create some additional activity within the site, Officers anticipate that this would still create a reduced level of noise and disturbance compared to the previous agricultural use of the site. Whilst Widfordbury House would overlook some of the amenity space to the east of Unit 8 (east part of the traditional buildings), given the minimum distance of 15 metres between their existing windows and this area, because other amenity space is available and because of the proposed dual use of this building, Officers do not consider that this would result in unacceptable living conditions for the future occupiers.
- 10.19 Officers consider that the proposal would not result in any unacceptable relationships between the proposed residential units, the proposed business uses and the existing neighbouring dwelling house or result in unacceptable harm to the amenities of neighbouring occupiers.

Other Matters

- 10.20 The 2005 planning application that was submitted for this site, also involving the change of use of the existing farm buildings, forms a material consideration for the current proposal. Whilst permission was refused for this previous proposal and an appeal against the proposal was dismissed, the Council and the Inspector appeared to accept the proposed changes of use to the agricultural buildings and the reasons for refusal were based upon the two new dwellings.
- 10.21 As the current proposal does not involve the construction of two new dwellings and relates only to the change of use of the existing buildings and as this previous proposal was considered against a former National and Local Policy framework, Officers are of the view that limited weight should now be attached to the decisions taken relating to this previous

proposal and that this should not lead to the refusal of the current proposal.

- 10.22 The request for fire hydrants within the site from the County Council is noted, however, having regard to the scale of development proposed, Officers do not consider that this would be reasonable or necessary to make the development acceptable in this case.
- 10.23 In respect of the public right of way, it is noted that County Highways have recommended a condition to require that this is diverted prior to the commencement of the development, however, in an email from the County Council's Countryside Access Officer to the applicant dated 9th February 2017, it is confirmed that a diversion can only be processed after grant of permission but before the development is substantially complete. The Officer also comments that, in their view, the right of way users would prefer to go around the proposed industrial site, even with a slightly longer distance, but would be happy to go along with their preferences following the necessary consultation.
- 10.24 Officers note that the route of the existing right of way actually runs through the existing utilitarian building, however, a clear and more direct route is available adjacent to this and through the main access to the site. Users of the right of way could either continue to use the existing informal route or the right of way could be diverted, which is being considered by the applicant. As this is an existing situation which the current proposal does not appear to alter Officers do not consider that it is necessary to impose any restrictive conditions in respect of this matter.
- 10.25 The comments received from County Highway that the proposal would result in a significant intensification of use over and above the consented use and the location of the site means that the occupiers are likely to be dependent upon the use of the private car are noted. Whilst the location of the site may not have extensive credentials in transport sustainability terms, the NPPF does allow for the re-use of existing buildings regardless of their location. Giving this due weight, Officers consider that the proposal still forms a sustainable development and does not conflict with the overarching aims of the NPPF.
- 10.26 In respect of parking provision, this is currently shown to be unallocated across the site, which given the mix of uses proposed and in particular the proposed dual use of the traditional agricultural buildings, Officers consider this to be an acceptable approach. The total number of parking spaces proposed is 64, which exceeds the parking requirements for the site, which in total would be 57 spaces, as set out

within the tables below. However, having regard to the rural location of the site Officers consider that an appropriate level of parking provision has been made in this case.

11.0 Conclusion

- 11.1 The proposed change of use of the existing buildings, the demolition works and the re-use of the slurry pit as a drainage pond form acceptable developments that would facilitate the re-use of curtilage listed buildings that are currently considered to be 'at risk'. The proposals would enhance the character and appearance of the existing buildings and the wider site which would have a positive contribution to the local economy, environment, the setting of the nearby listed buildings and the Widford Conservation Area.
- 11.2 The proposals accord with the aims of Local and National planning policies and therefore Officers recommend that planning permission and listed building consent is granted.

Conditions

a) Application Ref: 3/17/0002/FUL – Conditions

1. Three year time limit (1T12)
2. Programme of Archaeological Work (2E02)
3. Approved Plans (2E10)
4. Samples of materials (2E12)
5. Prior to the commencement of the development the upgraded accesses serving the development, as shown on Drawing numbers F15243/01 Rev A and F15243/02 Rev A, shall be completed in accordance with the approved plans.

Reason: To ensure the provision of an appropriate access for the development in the interests of highway safety.

6. Prior to any site works being commenced sight lines of 2.4metres x 131 metres to the east and 101 metres to the west shall be provided each side of the means of access within which there shall be no obstruction to visibility between 0.6 metres and 2.0 metres in height above adjoining carriageway level.

Reason: To provide visibility for drivers of vehicles entering and leaving the site.

7. The development shall be carried out in accordance with the approved Drainage Assessment carried out by RAB, reference 1272B Rev 3.0 dated 15th February 2017, and the following mitigation measures:
 - 1) Implementing appropriate SuDs measures to include attenuation pond and discharge into ordinary watercourse;
 - 2) Limiting the surface water run-off generated by the 1 in 100 year+ climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
 - 3) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100+ climate change event.

The scheme shall be fully implemented and subsequently, maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: In the interests of the management of surface water flows and in accordance with Policy ENV21 of the East Herts Local Plan Second Review, April 2007 and national planning policy guidance set out in section 10 of National Planning Policy Framework.

8. No development shall take place until a detailed surface water drainage scheme for the site based upon the approved FRA and sustainable drainage principles and an and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing, by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year+ climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - 1) Details of how the scheme shall be maintained and managed after completion;
 - 2) Detailed engineering drawings of the proposed SuDs features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

The scheme shall be fully implemented and subsequently, maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: In the interests of the management of surface water flows and in accordance with Policy ENV21 of the East Herts Local Plan Second Review, April 2007 and national planning policy guidance set out in section 10 of National Planning Policy Framework.

9. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure (b) Hard surfacing materials (c) Planting plans (d) Written specifications (including cultivation and other operations associated with plant and grass establishment) (e) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (f) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

10. Landscape works implementation (4P13)
11. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of:
 - a. Phasing of the development – Including all highway works
 - b. Areas of construction vehicle parking, storage and delivery of materials within the site
 - c. Location and details of construction vehicle wheel washing facilities
 - d. Methods of accessing the site including construction vehicle numbers and routing to and from the site.

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise impact of construction process on the local environment and local highway network.

12. Contaminated land survey and remediation (2E33)
13. Construction hours of working- plant and machinery (6N07)
14. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and the 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed by the local planning authority.

Reason: To protect the habitat of nesting bird and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

15. Prior to occupation a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

16. Prior to the occupation of the development a detailed management scheme for the future maintenance of the areas of communal amenity space and the swales and pond shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenity space, swales and ponds are suitably maintained in the interests of the character and appearance of the development and in the interests of the management of surface water flows and in accordance with Policies ENV1 and ENV21 of the East Herts Local Plan Second Review, April 2007.

Informatives

1. Highway Works (06FC2)
2. You are advised to ensure that the public right of way remains unobstructed during construction works and that any damage caused is made good to the satisfaction of the Highway Authority. For further advice on this matter you are advised to contact County Highways on 01992 555555.
3. Asbestos (34AS)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

b) Application Ref: 3/17/0003/LBC – Conditions

1. Listed building three year time limit (1T14)
2. Listed building - new windows (8L03)
3. Listed building - new doors (8L04)
4. Listed Building – new brickwork (8L06)
5. Listed Building – new weatherboarding (8L07)
6. Listed Building – rainwater goods (8L09)
7. Listed Building – making good (8L10)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that listed building consent should be granted.

KEY DATA**Residential Development**

	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	0
	2	0
	3	0
Number of new house units	1	0
	2	0
	3	2
	4+	0
Total		2

Non-Residential Development

Use Type	Floorspace (sqm)
B1(a)-office	476
B1 (c)-light industrial	1, 255

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	0
2	1.50	0
3	2.25	4.5
4+	3.00	0
Total required		4.5
Proposed provision		64 (shared spaces across the site)

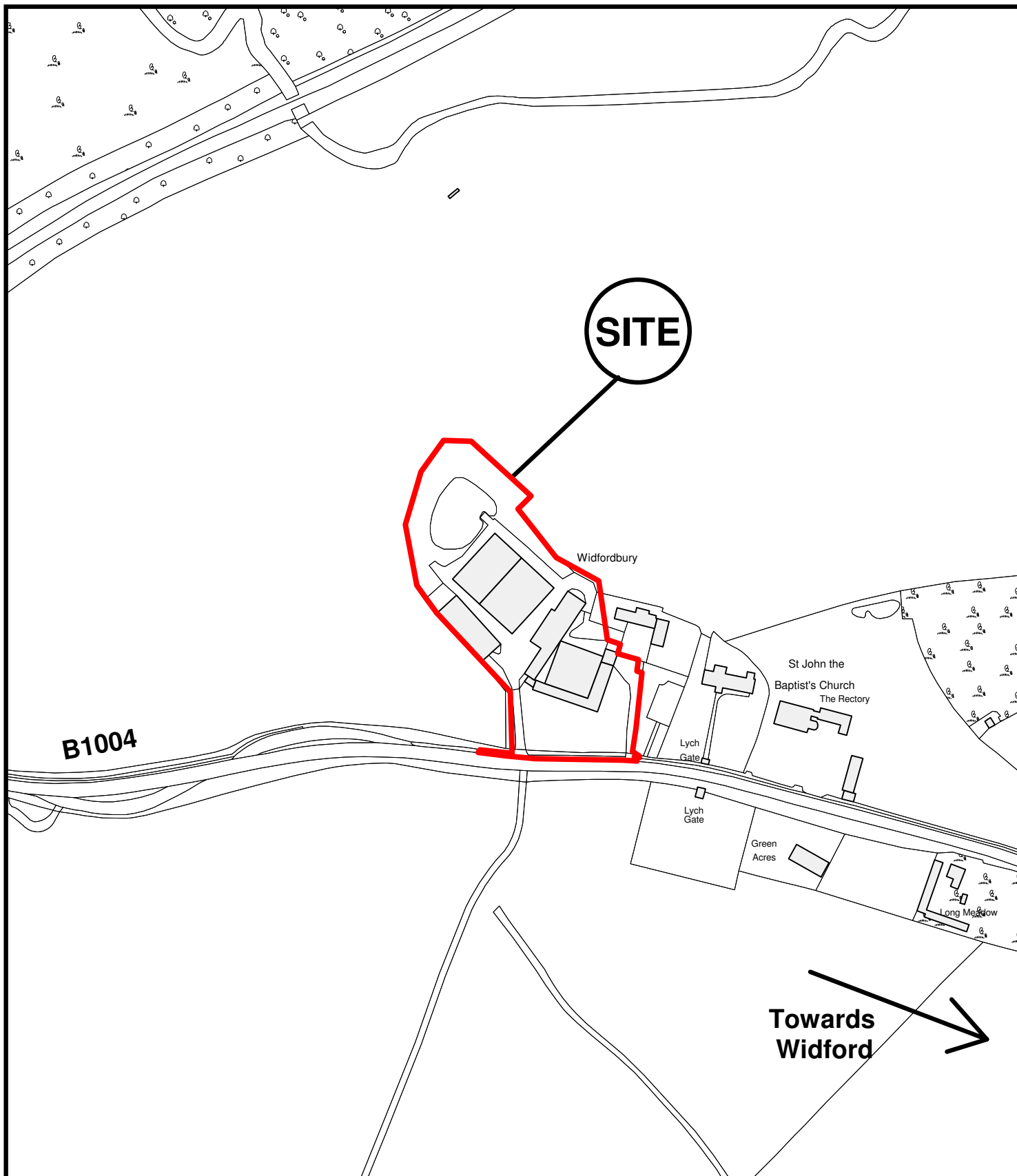
Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	0
2	2.00	0
3	2.50	5
4+	3.00	0
Total required		5
Accessibility reduction	N/A outside of Zones 1-4	0
Resulting requirement		5
Proposed provision		64 (shared spaces across the site)

Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required
B1 (a)-office	1 space per 30sqm gfa	16
B1 (c)-light industrial	1 space per 30sqm gfa	36
Total required		52
Accessibility reduction		0
Resulting requirement		52
Proposed provision		64 (shared spaces across the site)

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